

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

FLORIDA DEPARTMENT OF  
FINANCIAL SERVICES,

Plaintiff,

v.

Case No.: 2:23-cv-48-JLB-KCD

TRANE US INC. and ISLAND  
AIRE OF SOUTHWEST FLORIDA  
INC,

Defendants.

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**ORDER**

Defendant Train US, Inc. removed this case to federal court based on diversity jurisdiction under 28 U.S.C. § 1332. (Doc. 1.) Since that time, Island Aire of Southwest Florida was added as a Defendant in the amended complaint (Doc. 23), destroying diversity. Thus, the parties jointly seek a remand back to state court under 28 U.S.C. § 1447(e), which provides that “[i]f after removal the plaintiff seeks to join additional defendants whose joinder would destroy subject matter jurisdiction, the court may deny joinder, or permit joinder and remand the action to the State court.” (Doc. 34.)

After reviewing the motion and docket, the Court agrees that remand is proper. Accordingly, it is **ORDERED**:

1. The Joint Motion to Remand to State Court (Doc. 34) is **GRANTED**.

2. This action is remanded to the Circuit Court of the Twentieth Judicial Circuit in and for Lee County, Florida.

3. The Clerk is directed to transmit a certified copy of this Order to the clerk of court for the Twentieth Judicial Circuit in and for Lee County, Florida. Following remand, the Clerk is directed to deny any pending motions, terminate all deadlines, and close the case.

**ORDERED** in Fort Myers, Florida this August 15, 2023.



Kyle C. Dudek  
United States Magistrate Judge

Copies: All Parties of Record